



## FISCAL MEMORANDUM

### HB 830 - SB 932

April 3, 2023

**SUMMARY OF BILL AS AMENDED (006780):** Requires a decision to release a person charged with a Class A or Class B felony, aggravated assault, aggravated assault against a first responder, or felony domestic assault on their own recognizance to be approved by a judge of a general sessions court, a criminal court, or a circuit court having jurisdiction. Requires a decision to release a person charged with any of those offenses into the care of a person or organization responsible for supervising the defendant and assisting the defendant in appearing in court to be approved by a judge of a general sessions court, a criminal court, or a circuit court having jurisdiction. Prohibits a defendant who has been released on the defendant's own recognizance, and who has been charged with the commission of one or more bailable offenses while released, from being released on the defendant's own recognizance for the new charges, and requires a magistrate or judge to set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.

### FISCAL IMPACT OF BILL AS AMENDED:

#### NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed legislation will result in additional responsibilities for judges of general sessions, criminal, and circuit courts.
- However, based on information provided by the Administrative Office of the Courts and the Courts Clerks Association, the additional responsibilities can be met within existing judicial resources. Therefore, any fiscal impact to state or local courts is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 40-11-148(a), when a defendant has been admitted to and released on bail for a criminal offense, whether prior to or during trial or pending appeal, and the defendant is charged with the commission of one or more bailable offenses while released on bail, the judge shall set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.
- The proposed legislation stipulates within this statute that if the defendant committed the offense(s) while having been released on the defendant's own recognizance for separate offense(s), then bail must be required for any release of the defendant relative to the new charges. It does not change the existing requirement for the bail to be at least double

what would normally be considered in such circumstances. Prohibiting the release on the defendant's personal recognizance and requiring bail in such cases will not result in a significant fiscal impact to state or local courts or local governments relative to incarceration.

- Any fiscal impact to state or local government is therefore estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj